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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,972	12/30/2003	Patrick Zuili	BSM-10004/29	9010
7590	08/08/2005			EXAMINER LEE, SEUNG H
John G. Posa Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C. 280 N. Old Woodward Ave., Suite 400 Birmingham, MI 48009-5394			ART UNIT 2876	PAPER NUMBER
DATE MAILED: 08/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/747,972	ZUILI, PATRICK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Seung H. Lee	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/6/2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 4-7, 8, 9, 12, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Audebert (US 6,694,436) in view of Simonds (US 2002/0023027, cited by applicant).

Re claims 1, 6, 7, 18: Audebert teaches a method of authenticating a transaction comprising a microcircuit card interface (6) serving as a card reader unit connected to a terminal (1) serving as a device wherein the terminal having a display (4) and a keyboard (5), requesting for signature and prompting user to enter his/her PIN code using the terminal wherein such requesting/prompting procedure serves as initiating a transaction request, transmitting the transaction to a server (S) wherein such transmitting means serves as a means for communicating to a third party, the terminal also includes memories (2b, 2c, 3b, 3c, and 3d) for storing transaction data therein (see figs. 3-9; col. 14, line 19- col. 22, line 28).

However, Simonds fails to particularly teach or fairly suggest that the authenticating a transaction comprises a step of receiving a signal to authenticate the transaction at the device or terminal and the signal is high contrast optical signal.

Simonds teaches that the mobile terminal (33) retrieve the barcodes image from the server for displaying on the display of the mobile terminal as proof of the purchase wherein the retrieved barcode image serves as a high-contrast optical signal to be authenticated/verified (see figs. 1-3; paragraphs 0021-0042).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Simonds to the teachings of Audebert in order to verify the purchasing of goods/services by reading the barcode images displayed on the display device for enabling transaction therewith. Moreover, such modification (i.e., a memory for storing a session constituting transaction request and authentication signal) would have been a well known in the art at the time the invention was made to complete the particular transaction using the transaction request and result of the transaction request (e.g., the retrieved barcode images)

Re claim 2: The terminal (1) of Audebert comprises a reader (6) for reading information from a card (31) such as integrated circuit card or smart card,

Re claims 4 and 5: The terminal (1) can take various forms such as PC including a PDA and a telephone (see col. 26,lines 62- col. 27, line 23),

Re claims 8 and 9: The terminal (1) also equips with a DTMF interface (9) for transmitting data (col. 14, lines 49-55),

Re claim 12: The terminal requests the purchaser to input the PIN number via the keypad (5) of the terminal (col. 21, lines 441-56),

Re claims 16 and 17: The signed transactions for conducting transactions are encrypted using the RSA or DSA type asymmetric algorithms wherein the such

algorithms are well known in the art for having a public key and a private key or an identity based cryptography (col. 15, lines 56-col. 16, line 2; col. 21, line 41- col. 22, line 12),

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Audebert as modified by Simonds as applied to claim 1 above, and further in view of Norton (US 6,572,015).

The teachings of Audebert/Simonds have been discussed above.

Although, Audebert/Simonds teaches a portable terminal comprises a card reader, they fails to teach or fairly suggest that the card reader is capable of reading an optical card.

However, Norton teaches a smart card reader (42) wherein the card reader can read various type of smart cards including a contactless smart card (10), an optical smart card (70), and etc. (see fig. 6b; col. 11, line 5- col. 12, line 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Norton to the teachings of Audebert/Simonds in order to provide an alternative method of conducting transactions using the optical smart card in addition to use of the contactless smart card.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Audebert as modified by Simonds as applied to claim 1 above, and further in view of Barnes et al. (US 5,465,386, cited by applicant)(hereinafter referred to as 'Barnes').

The teachings of Audebert/Simonds have been discussed above.

Although, Audebert/Simonds teaches a portable terminal can communicate using DTMF signal via the DTMF interface, they fails to teach or fairly suggest that the DTMF signal is an audio frequency keying signal.

However, Barnes teaches a mobile communication system for communicating using AFSK signal (see Figs. 8-11; Abstract; col. 23, lines 7-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Barnes to the teachings of Audebert/Simonds in order to provide an alternative method for transmitting data/information using the well known method such as ASKF instead of a frequency keying signal.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Audebert as modified by Simonds as applied to claim 1 above, and further in view of Zele et al. (US 5,734,975, cited by applicant)(hereinafter referred to as 'Zele').

The teachings of Audebert/Simonds have been discussed above.

Although, Audebert/Simonds teaches a portable terminal can communicate using DTMF signal via the DTMF interface, he fails to teach or fairly suggest that the DTMF signal is a PL signal.

However, Zele teaches that a portable radio receiver comprises a privacy feature known as private line (PL) (see col. 1, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zele to the teachings of Audebert/Simonds in order to provide an improved and an enhanced system for only activating the portable card reader for initiating transaction when the reader received particular signal.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Audebert as modified by Simonds as applied to claim 1 above, and further in view of Chesarek (US 4,386,266, cited by applicant)

The teachings of Audebert/Simonds have been discussed above.

Although, Audebert/Simonds teaches a portable terminal for reading information from keyboard, he fails to teach or fairly suggest that the terminating of the operation if a PIN entry is attempted more than predetermined number of times.

However, Chesarek teaches to terminate the transaction after predetermined number of tries to enter the PIN number (114) (see Fig. 9; col. 9, lines 47-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Chesarek to the teachings of Audebert/Simonds in order to provide an additional security means for allowing user(s) to enter PIN number predetermined number of times to prevent unlimited number of tries to enter PIN number. Moreover, such modification would provide an improved customer service since the terminal can be released to the other customers for accessing the data/information using the terminal.

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Audebert as modified by Simonds as applied to claim 1 above, and further in view of Zhou et al. (US 5,796,858, cited by applicant)(hereinafter referred to as 'Zhou').

The teachings of Audebert/Simonds have been discussed above.

Although, Audebert/Simonds teaches a portable terminal having the card reader, he fail to teach that the card reader comprises a biometric input device.

However, Zhou teaches a cellular phone comprises a fingerprint sensing system (see Figs. 1-9; col. 7, line 53+).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Zhou to the teachings of Audebert/Simonds in order to provide an additional security for authenticating the user(s) with fingerprint during transactions such as downloading application and/or making payment for products.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday-Friday, 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Seung H Lee  
Art Unit 2876  
August 2, 2005